

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CASTLE OF DELAWARE, OR HIS DESIGNEE, DEBATABLE FOR 20 MINUTES:

**AMENDMENT TO H.R. 1544, AS REPORTED  
OFFERED BY MR. CASTLE OF DELAWARE**

At the end of the bill, add the following:

1 **SECTION 7. REMOVAL OF CIVIL LIABILITY BARRIERS THAT**  
2 **DISCOURAGE THE DONATION OF FIRE EQUIP-**  
3 **MENT TO VOLUNTEER FIRE COMPANIES.**

4 (a) **LIABILITY PROTECTION.**—A person who donates  
5 fire control or fire rescue equipment to a volunteer fire  
6 company shall not be liable for civil damages under any  
7 State or Federal law for personal injuries, property dam-  
8 age or loss, or death caused by the equipment after the  
9 donation.

10 (b) **EXCEPTIONS.**—Subsection (a) does not apply to  
11 a person if—

12 (1) the person's act or omission causing the in-  
13 jury, damage, loss, or death constitutes gross neg-  
14 ligence or intentional misconduct; or

15 (2) the person is the manufacturer of the fire  
16 control or fire rescue equipment.

17 (c) **PREEMPTION.**—This Act preempts the laws of  
18 any State to the extent that such laws are inconsistent  
19 with this Act, except that notwithstanding subsection (b)  
20 this Act shall not preempt any State law that provides



1 additional protection from liability for a person who do-  
2 nates fire control or fire rescue equipment to a volunteer  
3 fire company.

4 (d) DEFINITIONS.—In this section:

5 (1) PERSON.—The term “person” includes any  
6 governmental or other entity.

7 (2) FIRE CONTROL OR RESCUE EQUIPMENT.—  
8 The term “fire control or fire rescue equipment” in-  
9 cludes any fire vehicle, fire fighting tool, communica-  
10 tions equipment, protective gear, fire hose, or  
11 breathing apparatus.

12 (3) STATE.—The term “State” includes the  
13 several States, the District of Columbia, the Com-  
14 monwealth of Puerto Rico, the Commonwealth of the  
15 Northern Mariana Islands, American Samoa, Guam,  
16 the Virgin Islands, any other territory or possession  
17 of the United States, and any political subdivision of  
18 any such State, territory, or possession.

19 (4) VOLUNTEER FIRE COMPANY.—The term  
20 “volunteer fire company” means an association of  
21 individuals who provide fire protection and other  
22 emergency services, where at least 30 percent of the  
23 individuals receive little or no compensation com-  
24 pared with an entry level full-time paid individual in



1       that association or in the nearest such association  
2       with an entry level full-time paid individual.

3       (e) EFFECTIVE DATE.—This Act applies only to li-  
4       ability for injury, damage, loss, or death caused by equip-  
5       ment that, for purposes of subsection (a), is donated on  
6       or after the date that is 30 days after the date of the  
7       enactment of this Act.

